

CITY COUNCIL MINUTES

**January 9, 2012
REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, January 9, 2012 at 6:00 p.m. with Mayor Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Council Members Present: William W. Kirby, Kevin Hanley, J. M. "Mike" Holmes, Bridget Powers, Keith Nesbitt

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Public Works Engineer Carie Huff, Transit Analyst Megan Siren, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Nesbitt presented a commendation to the Placer Hillmen Football Team.

AGENDA APPROVAL

Council Member Powers requested item 12 be removed; she said it will be postponed for one month. With this change, the agenda was approved by consensus of the Council.

CONSENT CALENDAR

1. Warrants

By **RESOLUTION 12-01** approve Warrants # 78457 through 78823 totaling \$1,799,086.84.

2. **Minutes**

Removed from consent calendar.

3. **Quarterly Report of Investments – Quarter Ending September 30, 2011**

Receive, review and file the "City of Auburn Quarterly Investment Report" for the quarter ending September 30, 2011.

4. **Funding Agreement with PCTPA for Bus Shelter Improvement Project**

By **RESOLUTION 12-02**, authorize the City Manager to execute the funding agreement with Placer County Transportation Planning Agency for the Bus Shelter Improvement Project.

5. **Cancellation of a City Council Meeting**

By **MOTION**, approve the cancellation of the regular City Council Meeting on February 13th, 2012.

6. **Second Reading of an Ordinance to Rezone a ±1.2 acre office complex at 461 Grass Valley Highway from the Office Business (OB) Zone to the Regional Commercial (C-3) Zone**

Hold a second reading, by title only, and adopt an **ORDINANCE 12-01** to rezone the subject ±1.2 acre office complex from the Office Business (OB) Zone to the Regional Commercial (C-3) Zone.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar excluding item 2.

MOTION: Powers/ Holmes/ Approved 5:0

6a. **Minutes**

Mayor Nesbitt requested changes to both sets of minutes.

By **MOTION** approve City Council Minutes of 12/05/2011 and 12/12/2011 with changes.

MOTION: Hanley/ Powers/ Approved 4:0 (Kirby abstained from 12/12/11 minutes due to absence)

7. **Public Comment**

Council Member Holmes congratulated and thanked the volunteers who worked on the Mount Quarries Bridge Mural over the weekend.

Dick Azevedo, resident of Auburn, said he would like to see Virgil Traynor recognized with an engraved tile in Central Square for everything he has done for this community.

Bart Ruud, resident of Auburn, gave a history of many things that Virgil Traynor has done for the community of Auburn. He also spoke in support of honoring him with an engraved tile in Central Square.

Council Member Kirby also spoke in favor of honoring Virgil Traynor for his volunteerism in the community.

Council Member Nesbitt recognized the Council consensus to put the engraving of a tile for Virgil Traynor on a future agenda.

REPORTS

8. **Phase II Stormwater Permit Update**

Public Works Engineer Carrie Huff presented this item (update available in staff report).

Council Member questions followed regarding the State Water Resources Control Board and the expected notice for public comment to be issued.

Mayor Nesbitt asked if certain requirements that don't meet a cost versus benefits analysis could be challenged in court.

City Attorney Michael Colantuono said that may be where this is headed.

9. **Procedures for Appointments of Councilmembers to Compensated Positions on Boards and Commissions**

City Attorney Michael Colantuono presented this item. He explained the Fair Political Practices Commission's opinion on compensated positions on boards and commissions that pay more than \$250.00 a year. He said the nominee to one of these boards should abstain in a vote that appoints them. He said if these appointments are to be made on a future consent calendar, staff should include a memo from the Mayor making his nominations, a memo from the Mayor Pro Tem or another representative nominating the Mayor to the positions it is anticipated he will hold, and

have the consent calendar approve both sets of nominations and the minutes reflecting the abstention of the nominee.

It was the consensus of the Council to follow the procedure outlined by staff.

10. **City Council Committee Reports**

Council Member Powers reported on upcoming meetings for the Economic Development Commission, Placer County Economic Development Board, Airport Business Park Association, and the Auburn Aviation Association Airport Advisory Committee (5AC).

Council Member Holmes reported on an upcoming Economic Development Commission presentation. He reported on an upcoming Auburn Chamber workshop on the local ADA issues. He reported on the upcoming Placer County Board of Supervisors vote on the AB 109 implementation. He reported on the Placer County Air Pollution Control District's Clean Air grant applications being available soon. He reported that the Union Pacific Railroad is celebrating its 150th anniversary this year. He also reported that the Arts Commission is working on a music festival coming up in the next few months.

Council Member Kirby reported on the Regional Sewer issue. He said the Placer Nevada Wastewater Authority unanimously voted in favor of regionalization and sent a letter to the Placer County Board of Supervisors stating such. He reported on the planning of Auburn Movie Nights for this summer. He reported on a fundraiser on the 20th of this month at the Placer Performing Arts Center for the Auburn Community Cancer Endowment Fund.

COUNCIL BUSINESS

11. **Mountain Quarries Railroad Bridge Juried Exhibition**

Council Member Holmes introduced the item and Arts Commissioner Judi Lardner.

Judi Lardner introduced herself and offered to answer questions.

Council Member questions followed regarding foreseen costs of the exhibition and how funds will be handled.

Council Member comments followed regarding: (1) support of the entry fee and event, (2) fundraising by the Arts Commission, (3) availability of

photogenic historic sites around town, (4) opportunity to hold more arts events, and (5) the modest fee.

Mayor Nesbitt said he opposes the idea for an entry fee. He said he does not want to exclude anyone who could not afford the entry fee.

Judi Lardner said it is customary to assess a fee for juried exhibitions. He said this is a modest fee in comparison with others.

By **MOTION**, authorize the Arts Commission to collect a \$15 entry fee for the Mountain Quarries Railroad Bridge juried exhibition and to award three cash awards to prizewinners.

MOTION: Hanley/ Holmes/ Approved 5:0

12. **New Airport Road Name Change to Bud Anderson**

Removed from the agenda.

13. **Auburn Urban Development Authority (AUDA) Successor Agency Opt-Out**

Administrative Services Director Andy Heath presented this item. He reviewed history and status of AB 1X26 and AB 1X27, a successor agency's purpose, the Auburn Urban Development Authority funding status, advantages and risks of being a successor agency, and some key dates (presentation available in City Clerk's office).

He said AB 1X26 effective June 29, 2011 dissolves all redevelopment agencies in California. He said a successor agency was not developed earlier because a lawsuit challenging the validity of the two bills was ongoing. He said it was recently determined by the California Supreme Court that AB 1X 27 is unconstitutional. He said a successor agency must be decided on by January 13, 2012 and in place by February 1, 2012 which, consistent with the decision made by the Supreme Court, is now the final dissolution date.

He said AB 1X 26 does not require that the City pass a resolution electing to be a successor agency, although to opt-out a resolution must be passed. He said the State could assign a successor agency if there is no interest from the City. He said all successor agencies will report to an oversight board. He explained who the oversight board will be composed of.

He said the remaining balance in the AUDA fund cannot be used and will be forwarded to Placer County Auditor-Controller.

He reviewed the advantages of becoming a successor agency including ability to recover budgeted and allowable administrative costs, winding down affairs of the AUDA, and participation in future affairs. He reviewed the risks of becoming a successor agency including administrative costs not guaranteed to be recovered and exposure to lawsuits.

He concluded by saying, although staff had originally recommended to opt-out of becoming a successor agency, due to pending legislation and the City's inability to participate in the future, he now recommends the City move forward and become the successor agency to the AUDA.

Council Member Holmes clarified the City's representative on the oversight board. He asked about the AUDA funds to pay the existing obligations. He asked about renegotiating the interest rate on the existing bonds. He asked about the unencumbered fund balance in the Low and Moderate Income Housing Fund.

Council Member Kirby asked about the minimum administrative costs reimbursement written into the law. He asked about opting out at a later time as the successor agency. He asked about the possibility of dissolving the agency.

Council Member Powers asked about the liability exposure of the successor agency.

Council Member Hanley asked about distribution of the reserve funds. He asked about the appointments to the oversight board.

Council Member Kirby asked about the Blocker Drive property and how a sale would be handled.

Mayor Nesbitt said an important factor in this decision is to know that if Auburn is not the successor agency the State could assign a successor agency.

Council Member Hanley commented on his displeasure of the decision by the Governor and Legislature to dissolve redevelopment agencies. He explained why he thinks it is important to become the successor agency.

Council Member Powers spoke in favor of becoming the successor agency.

Council Member Kirby also expressed his displeasure toward the State and their handling of funds. He spoke about how well Auburn spent their

redevelopment monies. He said he is also in favor of becoming the successor agency.

Council Member Holmes said great care was taken by Auburn with redevelopments funds on great projects.

Mayor Nesbitt said it is important to "stay in the game."

By **RESOLUTION 12-03**, elect to serve as the successor agency to the Auburn Urban Development Authority and notify Placer County Auditor-Controller of this decision by January 13, 2012.

MOTION: Holmes/ Kirby/ Approved 5:0

ADJOURNMENT

Mayor Nesbitt adjourned the meeting, without objection, at 7:36 p.m.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk

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